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11 **UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **OAKLAND DIVISION**

14
15 IN RE: SOCIAL MEDIA ADOLESCENT
16 ADDICTION/PERSONAL INJURY PRODUCTS
17 LIABILITY LITIGATION

18 THIS DOCUMENT RELATES TO:
19 ALL SCHOOL DISTRICT ACTIONS

20 MDL No. 3047

21 Case No. 4:22-md-03047-YGR-PHK

22 Honorable Yvonne Gonzalez Rogers

23 **JOINT STIPULATION CONCERNING**
SUPPLEMENTAL BRIEFING ON
DEFENDANTS' MOTION TO DISMISS
THE SCHOOL DISTRICT AND LOCAL
GOVERNMENTAL ENTITY MASTER
COMPLAINT

24 **Hearing:**

25 Date: May 17, 2024

26 Time: 9:00 AM PT

27 Place: Oakland, California

28 Judge: Hon. Yvonne Gonzalez Rogers

On April 15, 2024, the Parties exchanged their six bellwether selections for the School District cases. Two of Plaintiffs' selections, Tucson Unified School District (N.D. Cal. No. 24-cv-01382) and the Board of Education of Jordan School District (N.D. Cal. No. 24-cv-01377), were filed more than a month after Defendants' Motion to Dismiss the School District and Local Government Entities' Master Complaint. *See Doc. 601.* At the time Defendants filed their Motion to Dismiss (February 5, 2024), there were no School Districts or Local Entities from Utah or Arizona. Accordingly, Defendants did not specifically discuss those states in their motion. *See id.*

For the sake of efficiency and to ease the burden on the Court at this time, the Parties hereby stipulate that further briefing is not necessary on Utah and Arizona law prior to the hearing on Defendants' Motion on May 17, 2024. Both Arizona and Utah look to Sections 821B and 821C of the Restatement (Second) of Torts. Accordingly, the Parties' briefing on the Motion to Dismiss largely addresses the substantive legal issues in these jurisdictions.¹ Defendants reserve their right to raise the legal sufficiency of these Plaintiffs', and any other School District Plaintiffs', claims at summary judgment, trial, or any later phase of the cases and Plaintiffs reserve their right to respond to any such arguments.

Dated: May 15, 2024

Respectfully submitted,

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¹ Defendants' position is that a statutory claim for public nuisance in Utah requires, as an additional element, *unlawful* conduct, Utah Stat. § 76-10-803(1), and that the School Districts have not adequately pled that element. *See also* Pls.' Opp. to School District MTD (Doc. 668) at 60 (citing Utah Stat. § 76-10-803(1)). Should the Court deny Defendants' generally applicable arguments relating to the School Districts' public nuisance claims, the Parties respectfully request the opportunity to submit short supplemental briefing on that narrow issue of Utah law. It is Plaintiffs' position that the School District and Local Government Entities' Master Complaint adequately alleges a public nuisance claim under Utah law. To the extent Defendants seek to raise any issue specific to Utah law not addressed in their Motion to Dismiss the School District and Local Government Entities' Master Complaint, Plaintiffs agree that briefing on any such issue would be necessary.

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ATTESTATION

I, Ashley W. Hardin, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: May 15, 2024

By: *Ashley W. Hardin*

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